

**REMARKS**

Claims 1-19, 21-45 and 47 are pending in this application.

No claim amendments have been made in response to the instant office action.

**REJECTIONS UNDER 35 U.S.C. § 112**

Reconsideration is respectfully requested of the rejection of claims 37-45 and 47 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner maintains that “the specification does not provide support for the ‘the media player is connected to the display and to a data bus transmitting data from the media player or receiving data for the media player to or from at least one location outside the vehicle seat headrest’ (claim 37) and ‘data bus is connected to a second display in a second headrest for transmitting data from the media player to the second display’ (claim 47)”. See July 13, 2007 Office Action at 6.

Applicant respectfully disagrees with the Examiner, and traverses the rejection. Claim 37 recites that the data bus transmits data from the media player or receives data for the media player to or from at least one location outside the vehicle seat headrest, and claim 47 recites that the data bus is connected to a second display in a second headrest for transmitting the data from the media player to the second display.

Applicant’s disclosure clearly supports the claim limitations. For example, page 9, lines 11-18 of Applicant’s specification states that the video system 200 can be connected to a data communication bus, which carries data to and from the external devices. For example, a video system may receive data to be displayed from the vehicle’s navigation system, which is disclosed as one of the external devices

connected to the data bus. See Applicant's disclosure, page 15, lines 12-14.

Further, referring to Fig. 9, and page 15, lines 8-18 of Applicant's disclosure, a video system 1000 and a slave video system 1002 are connected via a data bus 1004, whereby the slave video system 1002 "receives data to be displayed from the video system 1000 through the data bus 1004". In view of Applicant's disclosure, it would be understood by one skilled in the relevant art that the data to be displayed comes from the media player, which is clearly disclosed in multiple portions of Applicant's specification as being part of the video system. Further, in view of Applicant's disclosure, it would be understood by one skilled in the relevant art that data received via the bus can be processed by or run through a media player to a display for viewing on the video system.

Applicant also notes that a bus, by definition, is "essentially a shared highway that connects different parts of a system . . . and enables them to transfer information". See *Microsoft Computer Dictionary 5<sup>th</sup> Edition* at 77 (Microsoft Press, 2002); see also *Newton's Telecom Dictionary 19<sup>th</sup> Edition* at 128 (CMP Books, 2003) (stating that "all circuit cards receive the same information that is put on the bus").

Accordingly, Applicant submits that the claimed subject matter was sufficiently described Applicant's specification so as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

For at least the above reasons, Applicant requests that the Examiner's rejection under 35 U.S.C. § 112 be withdrawn.

**REJECTIONS UNDER 35 U.S.C. § 103****I. Rejections Based On Tseng****A. Claim 19 and Claims Dependent Thereon**

Reconsideration is respectfully requested of the rejection of claims 19, 21, 22-26, 27, 28, 30, 31-32, 35 and 36<sup>1</sup> under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2004/0130616 ("Tseng") in view of International Patent Application Pub. No. WO/38951 ("Mathias").

Reconsideration is also respectfully requested of the rejection of (1) claim 29 under 35 U.S.C. § 103(a) as being unpatentable over Tseng and Mathias in view of French Patent Application Pub. No. 2,817,812 ("Baret"); (2) claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Tseng and Mathias in view of U.S. Patent No. 4,982,996 ("Vottero-Fin"); and (3) claim 34 under 35 U.S.C. § 103(a) as being unpatentable over Tseng and Mathias in view of U.S. Patent No. 6,102,476 ("May").

Claim 19 recites that the base portion includes a first opening in line with a slot in the media player and the headrest includes a second opening in line with the first opening for receiving a data media to be inserted into the slot. For example, referring to Fig. 6 and page 14, lines 13-19 of Applicant's disclosure, an opening 509 in the headrest aligns with a slot 902 of an entertainment device. In addition, the base portion, including the media player mounted therein, includes an opening to provide access to the slot 902 of the media player.

The Examiner admits that Tseng does not disclose or suggest the openings as claimed. The Examiner maintains that Mathias teaches a display system having a base

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<sup>1</sup> Although the Examiner does not initially list claims 22-26 and 30 as being rejected based on Tseng in view of Mathias, it appears that Examiner has made such a rejection, since the rationale for the

portion, and the base portion including an opening in line with a slot in the media player.

The Examiner further admits that Tseng as modified by Mathias does not disclose a headrest having a second opening in line with the first opening, and states that "in order to provide a compact video system in the headrest and allow a user to insert and remove the media easily, it would have been further obvious to one having ordinary skill in the art . . . to modify the headrest of Tseng . . . to have a second opening". See July 13, 2007 Office Action at 7-8.

Applicant respectfully disagrees with the Examiner, and maintains that there is no motivation for the modification to Tseng for at least the reasons that (1) the proposed modification would change the principle of operation of Tseng; and (2) the rationale for the proposed modification is based on hindsight.

1. *The proposed modification would change the principle of operation of Tseng*

Tseng relates to a flip-open screen with an audio/video player. Modifying Tseng to include the claimed second opening in the headrest would require substantial reconstruction and redesign of the Tseng device, and change the principle of operation of same.

"If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." M.P.E.P. § 2143.01 (citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

Tseng repeatedly, indeed, in every claim, requires a flip-open screen, and states that the "video screen may be flipped open to reveal the audio/video source to allow a

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rejection is stated on pages 7-8 of the Office Action.

user to change media or control the functions of the audio/video source.” See Tseng, ¶ 004. Tseng further states that the flip-open screen allows for easy and full control of a user’s desired source of entertainment. See id.

If Tseng were modified in the manner suggested by the Examiner, the flip-open screen would not be used to change media because a user could insert a media through the opening in the headrest. Further, flipping open the screen to control functions of the audio/video source would be problematic because opening of the unit may result in misalignment of the media slot with the opening in the headrest.

In addition, substantial reconstruction and redesign of the Tseng device would be required to make holes in the headrest, and change the audio/video source to a slot-type device.

Accordingly, modifying Tseng as suggested by the Examiner would result in Tseng ceasing to function as a flip-open screen, and require substantial redesign and reconstruction of the Tseng device, thereby changing its principle of operation. As such, for at least this reason, there is no motivation to modify Tseng as proposed.

2. *The proposed modification is based on hindsight*

Without the benefit of hindsight, one of ordinary skill in the art would not develop the claimed headrest including a second opening in line with the first opening for receiving a data media to be inserted into the slot.

While a judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning, such judgment must take into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and not include knowledge gleaned only from applicant’s disclosure.

Applicant submits that the suggestion to include an opening in the headrest comes from Applicant's disclosure. Indeed, as stated above, Tseng relates to a flip-open screen, where the video screen may be flipped open to reveal the audio/video source to allow a user to change media. In addition, Mathias in Fig. 4 discloses a device that can be flipped open to reveal a slot positioned on the screen console 38.

While Mathias does disclose a disc player 32 integrated in the overhead housing 34, one of ordinary skill in the art, in view of the flip-open design in Tseng and in Fig. 4 of Mathias, would maintain a flip-open design for a headrest system, and not develop a more cumbersome construction including an opening in the headrest. Further, the Examiner's "compact video system" could still be achieved with a flip-open design. Moreover, there is simply no disclosure in any of the cited references that teaches an opening in a headrest through which a data media is inserted.

Accordingly, the Examiner's judgment of obviousness does not take into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made. Indeed, Applicant's disclosure is the only place where providing an additional opening in a headrest is derived because the disclosures in Tseng and Mathias do not teach or suggest such a configuration.

Therefore, Applicant submits that the Examiner's conclusions of obviousness are based on improper hindsight gleaned from Applicant's disclosure. As such, for at least this reason, there is no motivation to modify Tseng as proposed.

Further, Baret, Vottero-Fin or May do not provide any teaching, suggestion or motivation to modify Tseng to develop the claimed embodiment.

In view of the foregoing, Applicant respectfully submits that claim 19 is

patentable over Tseng in view of Mathias and further in view of Baret, Vottero-Fin or May.

For at least the reason that claims 21-36 depend from claim 19, claims 21-36 are also submitted to be patentable over the cited references.

As such, Applicant requests that the Examiner withdraw the rejections of claims 19 and 21-36 in view of Tseng under 35 U.S.C. § 103(a).

*B. Claim 37 and Claims Dependent Thereon*

Reconsideration is respectfully requested of the rejection of (1) claims 37 and 39-45 under 35 U.S.C. § 103(a) as being unpatentable over Tseng in view of U.S. Patent No. 6,339,455 ("Allan"); and (2) claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Tseng in view of Allan and Mathias.

Claim 37 recites that the data bus transmits data from the media player or receives data for the media player to or from at least one location outside the vehicle seat headrest.

The Examiner admits that Tseng does not disclose a data bus. To cure the deficiency in Tseng, the Examiner states that "it is well-known in the art that a video system having a media player is connected to a display and to a data bus for transmitting data from the media player or receiving data for the media player", and relies on Fig. 5 in Allan in support of the statement. See July 13, 2007 Office Action at 10.

The Examiner maintains that Allan discloses a data bus 19 provided between the control unit 17 to the display and to the DVD player 15, a data bus located between the control unit 17 and FM transmitter 20 and between the FM transmitter and the speaker

14.

The Examiner appears to be confusing point to point connections with a data bus. Unlike a point-to-point connection, a bus can logically connect several peripherals over the same set of wires. For example, referring to Fig. 9 of Applicants' disclosure, the databus 1004 connects the video system 1000, the slave video system 1002 and the external devices 1005 over the same set of wires.

However, unlike the data bus of the claimed embodiments, element 19 in Allan schematically refers to point-to-point audiovisual signaling being transmitted from the DVD player to a control unit 17, from the control unit 17 to the display and FM transmitter and from the FM transmitter and the speaker 14. Indeed, there is simply no disclosure in Allan regarding use of a data bus to transmit audio and visual signals.

In addition, assuming *arguendo*, Allan did disclose a databus, Allan fails to disclose the use of a data bus to transmit data from the media player or receive data for the media player to or from a location outside a vehicle seat headrest.

Also, Mathias fails to cure the deficiencies in Tseng and Allan.

Accordingly, claim 37 is patentable over Tseng in view of Allan, and Tseng in view of Allan and Mathias.

Therefore, none of the cited references, when taken alone or in combination, render obvious the embodiment as recited in claim 37.

For at least the reason that claim 38-45 depend from claim 37, claims 38-45 are also submitted to be patentable over the cited references.

As such, Applicant requests that the Examiner withdraw the rejections of claims 37-45 in view of Tseng under 35 U.S.C. §103(a).



II. Rejections Based On Chang

A. Claim 1 and Claims Dependent Thereon

Reconsideration is respectfully requested of the rejection of (1) claims 1-11, 13-15 and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,871,356 ("Chang") in view of Mathias and U.S. Patent No. 5,214,514 ("Haberkern"); (2) claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias and Haberkern as applied to claim 1, and further in view of Baret; (3) claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias and Haberkern as applied to claim 1, and further in view of Vottero-Fin; and (4) claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias and Haberkern as applied to claim 1, and further in view of May.

Claim 1 recites that a loading point for a data storage medium for the media player is located on the side of the door opposite the display and facing the base portion. For example, referring to Figs. 4A-4E, and page 10, line 4 – page 11, line 7 of Applicant's disclosure, the display 320 and the entertainment unit 700 are formed on opposite sides, and the entertainment unit is formed on a side of the door 302 that faces the base portion 310. A cover 702 on that side can be opened to allow insertion of a data storage medium into the device.

The Examiner admits that Chang does not disclose the door that includes a media player, and maintains that "in view of Mathias's suggestion, it would have been obvious to one having ordinary skill in the art . . . to modify the door (screen structure 416 of Chang) to have a media player" and, in view of Haberkern, to have the claimed loading point for a data storage media player located on the side of the door opposite

the display. See July 13, 2007 Office Action at 12-13.

1. Chang teaches away from the proposed modification

Applicant submits that one of ordinary skill in the art would not be motivated to modify Chang as proposed by the Examiner for at least the reason that Chang teaches away from the proposed modification.

In enumerating problems with prior art monitors, Chang states that additional depth beyond the thickness of the screen structure is required within a headrest to accommodate the prior art monitors, and that the extra thickness is disadvantageous "because limited space is available within a headrest"..

Chang goes on to state that:

The function of a headrest is to provide padding for comfort and safety. Thus, a headrest must comprise at least a minimum amount of padding. When a monitor is added to a headrest, padding is displaced. The padding may be eliminated entirely, but such elimination makes the headrest less comfortable and less safe. Alternatively, the padding may be retained but moved elsewhere within the headrest. Disadvantageously, this option makes the headrest larger. If the headrest is made wider, the extra width obstructs a larger portion of the driver's view. If instead the headrest is made deeper, (extends farther into rear passenger area) the portion of the headrest that protrudes into the rear passenger area presents an obstacle to rear seat passengers. Therefore, a headrest-mounted monitor desirably occupies minimal space.

Chang, col. 15, lines 6-28 (emphasis added).

Furthermore, in Chang, the video source 52 is located remote from the headrest.

See Chang, col. 5, lines 16-34; and Fig. 3.

Therefore, in view of the foregoing, it is clear that Chang teaches away from increased space occupied by a headrest mounted monitor. Accordingly, Chang teaches away from the addition of the claimed loading point for a data storage medium

for the media player that is located on the side of the door opposite the display and facing the base portion because such an addition to the screen structure in Chang would substantially increase the thickness of the screen structure in Chang.

As such, for at least this reason, one of ordinary skill in the art would not be motivated to modify Chang as proposed by the Examiner.

Therefore, claim 1 is patentable over Chang in view of Mathias and Haberkern.

Further, Baret, Vottero-Fin or May do not cure the deficiencies in Chang, Mathias and Haberkern.

Therefore, none of the cited references, when taken alone or in combination, render obvious the embodiment as recited in claim 1.

As such, Applicant respectfully submits that claim 1 is patentable over Chang in view of Mathias and Haberkern, and over Chang in view of Mathias and Haberkern and further in view of Baret, Vottero-Fin or May.

For at least the reason that claims 2-18 depend from claim 1, claims 2-18 are also submitted to be patentable over the cited references.

As such, Applicant requests that the Examiner withdraw the rejections of claims 1-18 under 35 U.S.C. §103(a).

*B. Claim 19 and Claims Dependent Thereon*

Reconsideration is respectfully requested of the rejection of (1) claims 19, 21-28, 30-32, 35 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias; (2) claim 29 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias as applied to claim 19, and further in view of Baret; (3) claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias as applied to

claim 19, and further in view of Vottero-Fin; and (4) claim 34 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias as applied to claim 19, and further in view of May.

As stated above, claim 19 recites that the base portion includes a first opening in line with a slot in the media player and the headrest includes a second opening in line with the first opening for receiving a data media to be inserted into the slot.

Claim 19 is submitted to be patentable over the cited references for at least the reasons that (1) Chang teaches away from the proposed modification; and (2) the rationale for the proposed modification is based on hindsight.

1. *Chang teaches away from the proposed modification*

As stated and explained in detail above, Chang teaches away from increased space occupied by a headrest mounted monitor, and the elimination of padding from the headrest, which makes the headrest less comfortable and less safe.

Accordingly, Chang teaches away from the addition of a media player in the base portion as claimed because the addition of the media player will increase the area of the headrest occupied by the video system beyond the thickness of the monitor. Moreover, in further contrast to the teachings of Chang, cutting holes in the headrest to create the opening for receiving the data media will reduce the amount of padding in the headrest.

As such, for at least this reason, one of ordinary skill in the art would not be motivated to modify Chang as proposed by the Examiner.

Therefore, for at least this reason, claim 19 is patentable over Chang in view of Mathias, and Baret, Vottero-Fin or May.

2. The proposed modification is based on hindsight

Without the benefit of hindsight, one of ordinary skill in the art would not develop the claimed headrest including a second opening in line with the first opening for receiving a data media to be inserted into the slot.

While a judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning, such judgment must take into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and not include knowledge gleaned only from applicant's disclosure.

Applicant submits that the suggestion to include an opening in the headrest comes from Applicant's disclosure. Indeed, as stated above, Chang teaches away from the addition of a media player in the base portion and from cutting holes in the headrest to create the opening for receiving the data media.

While Mathias does disclose a disc player 32 integrated in the overhead housing 34, one of ordinary skill in the art, in view of the teaching away in Chang, would not develop a video system including a media player in the base portion, and would not remove portions of the headrest to create an opening in the headrest to receive a data media for the media player in the base portion. Moreover, there is simply no disclosure in any of the cited references that teaches an opening in a headrest through which a data media is inserted.

Accordingly, the Examiner's judgment of obviousness does not take into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made. Indeed, Applicant's disclosure is the only place where providing an additional opening in a headrest is derived because the disclosures in Chang and

Mathias do not teach or suggest such a configuration.

Therefore, Applicant submits that the Examiner's conclusions of obviousness are based on improper hindsight gleaned from Applicant's disclosure. As such, for at least this reason, there is no motivation to modify Chang as proposed.

Further, Baret, Vottero-Fin or May do not provide any teaching, suggestion or motivation to modify Chang to develop the claimed embodiment.

As such, Applicant respectfully submits that claim 19 is patentable over Chang in view of Mathias and further in view of Baret, Vottero-Fin or May.

For at least the reason that claims 21-36 depend from claim 19, claims 21-36 are also submitted to be patentable over the cited references.

As such, Applicant requests that the Examiner withdraw the rejections of claims 19 and 21-36 in connection with Chang under 35 U.S.C. §103(a).

C. Claim 37 and Claims Dependent Thereon

Reconsideration is respectfully requested of the rejection of claims 37-45 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias and Allan.

Claim 37 recites that a media player is mounted in the vehicle seat headrest, and that a data bus transmits data from the media player or receives data for the media player to or from at least one location outside the vehicle seat headrest.

Applicant respectfully submits that claim 37 is patentable over the cited references because (1) there is no motivation to modify Chang to include a media player in the vehicle seat headrest as claimed; (2) Allan does not cure the deficiencies in Chang and Mathias regarding the claimed data bus.

1. Chang teaches away from the proposed modification

As stated and explained in detail above, Chang teaches away from increased space occupied by a headrest mounted monitor, and the elimination of padding from the headrest, which makes the headrest less comfortable and less safe.

Accordingly, Chang teaches away from the addition of a media player in the base portion as claimed because the addition of the media player will increase the area of the headrest occupied by the video system beyond the thickness of the monitor, and result in the removal of padding from the headrest.

As such, for at least this reason, one of ordinary skill in the art would not be motivated to modify Chang as proposed by the Examiner.

Therefore, for at least this reason, claim 37 is patentable over Chang in view of Mathias and Allan.

2. Allan does not cure the deficiencies in Chang and Mathias

The Examiner admits that Chang and Mathias do not disclose a data bus. To cure the deficiency in Chang and Mathias, the Examiner states that "it is well-known in the art that a video system having a media player is connected to a display and to a data bus for transmitting data from the media player or receiving data for the media player", and relies on Fig. 5 in Allan in support of the statement. See July 13, 2007 Office Action at 16.

The Examiner maintains that Allan discloses a data bus 19 provided between the control unit 17 to the display and to the DVD player 15, a data bus located between the control unit 17 and FM transmitter 20 and between the FM transmitter and the speaker 14.

The Examiner appears to be confusing point to point connections with a data bus. Unlike a point-to-point connection, a bus can logically connect several peripherals over the same set of wires. For example, referring to Fig. 9 of Applicants' disclosure, the databus 1004 connects the video system 1000, the slave video system 1002 and the external devices 1005 over the same set of wires.

However, unlike the data bus of the claimed embodiments, element 19 in Allan schematically refers to point-to-point audiovisual signaling being transmitted from the DVD player to a control unit 17, from the control unit 17 to the display and FM transmitter and from the FM transmitter and the speaker 14. Indeed, there is simply no disclosure in Allan regarding use of a data bus to transmit audio and visual signals.

In addition, assuming *arguendo*, Allan did disclose a databus, Allan fails to disclose the use of a data bus to transmit data from the media player or receive data for the media player to or from a location outside a vehicle seat headrest.

Accordingly, claim 37 is patentable over Chang in view of Mathias and Allan.

Therefore, none of the cited references, when taken alone or in combination, render obvious the embodiment as recited in claim 37.

For at least the reason that claim 38-45 and 47 depend from claim 37, claims 38-45 and 47 are also submitted to be patentable over the cited references.

As such, Applicant requests that the Examiner withdraw the rejections of claims 37-45 and 47 in view of Chang under 35 U.S.C. §103(a).

### **DOUBLE PATENTING**

Claims 1-19, 21-45 and 47 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-65



of U.S. Patent No. 6,899,365 ("Lavelle"). Lavelle is commonly owned by the assignee of the instant application.

Claims 1-19, 21-45, and 47 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 10/438,724 ("Schedivy") (now U.S. Patent No. 7,245,274). Schedivy is commonly owned by the assignee of the instant application.

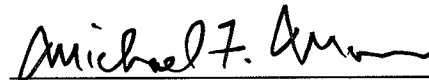
Applicant requests that the double patenting rejections be held in abeyance pending disposition of the statutory rejections and possible amendments to the claims. If at such time, the Examiner maintains the double patenting rejections, Applicant will attend to responding to same. Accordingly, Applicant reserves the right to submit Terminal Disclaimers under 37 C.F.R. § 1.321 to obviate the double patenting rejections. The filing of Terminal Disclaimers is not intended to be, nor should it be construed as, an admission as to the merits of the rejections.

#### **DEPENDENT CLAIMS**

Applicant has not independently addressed the rejections of all the dependent claims because Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, *supra*, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael F. Morano", is written over a horizontal line.

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